


NO. 5:11-CR-99-FL-1

ORDER

In addition, to clarify the present procedural posture of this case, the instant criminal case closed on July 27, 2012, and district court proceedings on defendant's first § 2255 motion ended with judgment on that motion on October 19, 2015, followed by dismissal of appeal thereof and denial of writ of certiorari on January 10, 2017. Before defendant can file a second or successive

§ 2255 application in the district court, he must “move in the appropriate court of appeals for an order authorizing the district court to consider the application.” 28 U.S.C. § 2244(b)(3)(A) (emphasis added). A second or successive petition “must be certified as provided in section 2244 by a panel of the appropriate court of appeals to contain” either “newly discovered evidence . . . or a new rule of constitutional law, made retroactive to cases on collateral review by the Supreme Court, that was previously unavailable.” 28 U.S.C. § 2255(h) (emphasis added).

SO ORDERED, this the 5th day of April, 2019.

  
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LOUISE W. FLANAGAN  
United States District Judge